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Christine Marsala
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)
)
Birger E. Sorensen) Examiner: Unassigned
)
Title: NITS SEPARATOR)
) Group Art Unit: 1731
Serial No.: 09/743,589)
)
Filed On: January 11, 2001) (Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, March 18, 2003

Box PCT
Assistant Commissioner of Patents
Washington, D.C. 20231

PETITION TO OBTAIN EARLIER DATE OF RECEIPT OF 35 U.S.C. § 371(c)(1), (c)(2)
AND (c)(4) REQUIREMENTS, AND DATE OF RECEIPT OF ALL 35 U.S.C.
REQUIREMENTS

S I R:

This is a Petition to obtain an earlier Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements in the above-identified patent application. The date of receipt under 35 U.S.C. § 371 is that date which a patent issuing from the above-identified patent application can be used as 35 U.S.C. § 102(e) prior art.

Attached hereto is a Declaration by Marina Cunningham, attorney of record in the above-identified matter, stating the facts as they are known to her in support of the above-identified Petition.

Applicant also attaches numerous Status Requests mailed to the U.S. Patent and Trademark Office (PTO).

Also attached hereto is a copy of a Petition to Withdraw Holding of Abandonment, and a copy of a Declaration of Marina F. Cunningham in Support of Petition to Withdraw Holding of Abandonment. Copies of the earlier filed Petition and accompanying Declaration are submitted herewith to set forth in detail the delays caused by the PTO with respect to initiating the examination of the above-identified patent application.

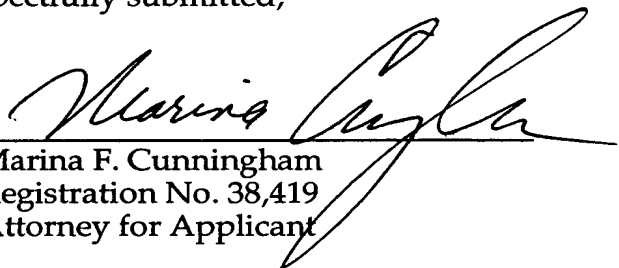
Applicant also attaches a Decision on Petition indicating that the original Notification of Missing Requirements was still in the PTO file, and thus was never sent to Applicant. The PTO's failure to send Applicant the Notification of Missing Requirements directly resulted in an unusually late Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements, thus in effect punishing Applicant in his ability to use a patent issuing in this case as 35 U.S.C. § 102(e) prior art.

Accordingly, Applicant respectfully requests that an earlier Date of Receipt of 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements be secured in accordance with the situation where Applicant would have timely received and thereby promptly responded to the Notification of Missing requirements.

No fee is believed to be due for filing this Petition. However, if it is determined that a fee is required, please charge Deposit Account No. 13-0235.

Respectfully submitted,

By


Marina F. Cunningham
Registration No. 38,419
Attorney for Applicant

McCormick, Paulding & Huber LLP
CityPlace II, 185 Asylum Street
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(860) 549-5290

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Elizabeth A. Dudek

 Typed or Printed Name of Person Sending Paper or Fee
 Signature *Elizabeth A. Dudek* 16 December 2003

 Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:)
)
 Birger E. Sorensen) Examiner: D. Heckenberg
)
 Title: NITS SEPARATOR)
) Group Art Unit: 1722
 Serial No.: 09/743,589)
)
 Filed On: January 24, 2003) (Our Docket No.: 6474-02WOUS)

Hartford, Connecticut, December 16, 2003

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

THIRD STATUS REQUEST

SIR:

On March 18, 2003, Applicant filed a Petition to Obtain an Earlier Date of Receipt of 35 U.S.C. §371(c) (1), (c) (2) and (c) (4) Requirements, and Date of Receipt of All 35 U.S.C. Requirements (copy enclosed).

On June 23, 2003 Applicant filed a Response to Notice of Non-Compliant Amendment (copy enclosed).

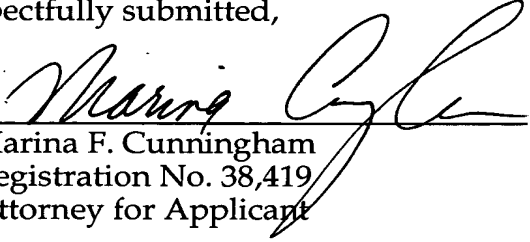
To this date, Applicant has not received a decision relating to the Petition, a reply regarding the Response to Notice of Non-Compliant Amendment, or an Official Action on the merits of the case.

Applicant respectfully requests an update as to the status of the above application.

Applicant believes no fee is due for filing this request, however, if it is determined that a fee is required, please charge deposit account no. 13-0235.

Respectfully submitted,

By


Marina F. Cunningham
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Attorney for Applicant

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